

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CHERYL SHOCKLEY,

Plaintiff,

Case No.: 21-CV-432

v.

CREDITBOX.COM LLC d/b/a CREDIT BOX
and CLARITY SERVICES, INC.,

Defendants.

NOTICE OF REMOVAL

Defendant CreditBox.com LLC (“CreditBox”), by its counsel at Gass Turek LLC, hereby removes this action from the Circuit Court for Douglas County, Wisconsin to the United States District Court for the Western District of Wisconsin pursuant to 28 U.S.C. §§ 1441, *et seq.* In support of removal, CreditBox states as follows:

1. **State Court File.** On June 10, 2021, Plaintiff Cheryl Shockley initiated this action by filing a Complaint in the Circuit Court for Douglas County, Wisconsin, case number 2021-CV-132 (the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), a complete copy of the file in the State Court Action is attached hereto as **Exhibit A**. As of this date, no defendant has filed a responsive pleading in the State Court Action.

2. **Removal is Timely.** Plaintiff served CreditBox with the Summons and Complaint in the State Court Action on June 14, 2021. Because this Notice of Removal is being filed within 30 days following such service, removal is timely pursuant to 28 U.S.C. § 1446(b).

3. **Nature of Plaintiff's Claims.** The opening paragraph of Plaintiff's Complaint states that she is “seeking redress for violations of the Fair Credit Reporting

Act, 15 U.S.C. §1681, *et seq.* (“FCRA”), committed by [CreditBox], and by Clarity Services, Inc. (“Clarity”), and for violations of Wisconsin’s Privacy statute, Wis. Stat. § 995.50, committed by [CreditBox].” More specifically, Plaintiff alleges that CreditBox improperly accessed a copy of Plaintiff’s consumer credit report contrary to 15 U.S.C. § 1681b(f). Plaintiff also claims that Clarity violated Section 1681a of the FCRA by releasing her credit information to CreditBox. CreditBox denies Plaintiff’s allegations in their entirety.

4. **Federal Question Jurisdiction.** This Court has original jurisdiction over Plaintiff’s civil action because it arises under the laws of the United States, specifically the FCRA. *See* 28 U.S.C. § 1331. The Court may also exercise supplemental jurisdiction over Plaintiff’s state law claims because they “form part of the same case or controversy under Article III of the United States Constitution.” *See* 28 U.S.C. § 1367(a). Thus, removal to this Court is appropriate pursuant to 28 U.S.C. § 1441(a), which permits removal of any civil action brought in a state court of which the district courts of the United States have original jurisdiction.

5. **Consent of Co-Defendant.** Although CreditBox understands that Defendant Clarity Services, Inc. has not yet been served with the Summons and Complaint, Clarity nevertheless does consent to the removal of this action to this Court. *See* 28 U.S.C. § 1446(b)(2).

6. **Venue.** Venue in this Court is proper under 28 U.S.C. § 1446(a) because this case was pending in the Circuit Court of Douglas County, Wisconsin. This Court is the district “within which [the state court] action is pending.” 28 U.S.C. § 1441(a).

7. **Service of Notice.** Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice is being given to all other parties and https://www.wiwd.uscourts.gov/electronic-filing-procedures#A._Civil_Case_Initiation will be filed with the clerk of the Circuit Court of Douglas County, Wisconsin.

WHEREFORE, CreditBox.com LLC respectfully requests that this action be removed from the Circuit Court of Douglas County, Wisconsin to the United States District Court for the Western District of Wisconsin.

Dated this 5th day of July, 2021.

By: s/ David J. Turek
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